

HB0249S02 compared with HB0249

~~text~~ shows text that was in HB0249 but was deleted in HB0249S02.

text shows text that was not in HB0249 but was inserted into HB0249S02.

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0 Representative Karen M. Peterson proposes the following substitute bill:

EDUCATION RELATED~~INFORMATION~~ AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses ~~access and management of information related to parents and students~~parental engagement in the education arena.

Highlighted Provisions:

This bill:

- ▶ addresses a parent's access to and submission of education records;
- ▶ grants rulemaking authority;
- ▶ directs the state board to create record tracking interoperability for education records in the information management system under certain circumstances;
- ▶ requires the state board to create ~~an online~~a parent portal that provides information outlined in statute, including school comparison information;
- ▶ requires notification of the parent portal;

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- ▶ provides for the appointment of a parent engagement specialist, including providing for the specialist's duties; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-3-518, as last amended by Laws of Utah 2022, Chapter 266

53G-6-805, as enacted by Laws of Utah 2022, Chapter 343

ENACTS:

53G-6-806, Utah Code Annotated 1953

53G-6-807, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53E-3-518** is amended to read:

53E-3-518. Utah school information management system -- Local education agency requirements.

(1) As used in this section:

(a) "LEA data system" or "LEA's data system" means a data system that:

(i) is developed, selected, or relied upon by an LEA; and

(ii) the LEA uses to collect data or submit data to the state board related to:

(A) student information;

(B) educator information;

(C) financial information; or

(D) other information requested by the state board.

(b) "LEA financial information system" or "LEA's financial information system" means an LEA data system used for financial information.

(c) "Parent" means the same as that term is defined in Section 53G-6-201.

~~(c)~~ (d) "Utah school information management system" or "information management

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system" means the state board's data collection and reporting system described in this section.

~~(d)~~ (e) "User" means an individual who has authorized access to the information management system.

(2) On or before July 1, 2024, the state board shall have in place an information management system that meets the requirements described in this section.

(3) The state board shall ensure that the information management system:

(a) interfaces with an LEA's data systems that meet the requirements described in Subsection (6);

(b) serves as the mechanism for the state board to collect and report on all data that LEAs submit to the state board related to:

(i) student information;

(ii) educator information;

(iii) financial information; and

(iv) other information requested by the state board;

(c) includes a web-based user interface through which a user may:

(i) enter data;

(ii) view data; and

(iii) generate customizable reports;

(d) includes a data warehouse and other hardware or software necessary to store or process data submitted by an LEA;

(e) provides for data privacy, including by complying with Title 53E, Chapter 9, Student Privacy and Data Protection;

(f) restricts user access based on each user's role; and

(g) meets requirements related to a student achievement backpack described in Section 53E-3-511.

(4) The state board shall establish the restrictions on user access described in Subsection (3)(f).

(5) (a) The state board shall make rules that establish the required capabilities for an LEA financial information system.

(b) In establishing the required capabilities for an LEA financial information system, the state board shall consider metrics and capabilities requested by the state treasurer or state

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auditor.

(6) (a) On or before July 1, 2024, an LEA shall ensure that:

(i) all of the LEA's data systems:

(A) meet the data standards established by the state board in accordance with Section 53E-3-501;

(B) are fully compatible with the state board's information management system; and

(C) meet specification standards determined by the state board; and

(ii) the LEA's financial information system meets the requirements described in Subsection (5).

(b) An LEA shall ensure that an LEA data system purchased or developed on or after May 14, 2019, will be compatible with the information management system when the information management system is fully operational.

(7) (a) Subject to appropriations and Subsection (7)(b), the state board may use an appropriation under this section to help an LEA meet the requirements in the rules described in Subsection (5) by:

(i) providing to the LEA funding for implementation and sustainment of the LEA financial information system, either through:

(A) awarding a grant to the LEA; or

(B) providing a reimbursement to the LEA; or

(ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a financial information system on behalf of an LEA for the LEA to use as the LEA's financial information system.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board shall make rules describing:

(i) how an LEA may apply to the state board for the assistance described in Subsection (7)(a); and

(ii) criteria for the state board to provide the assistance to an LEA.

(8) (a) Beginning July 1, 2024, the state board may take action against an LEA that is out of compliance with a requirement described in Subsection (6) until the LEA complies with the requirement.

(b) An action described in Subsection (8)(a) may include the state board withholding

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funds from the LEA.

(9) (a) For purposes of this Subsection (9), "education record" means the same as that term is defined in 20 U.S.C. Sec. 1232g.

(b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish a procedure under which:

(i) a parent may submit information as part of the education records for the parent's student;

(ii) the information submitted by the parent is maintained as part of the education records for the parent's student;

(iii) information submitted by the parent and maintained as part of the education records for the parent's student may be removed at the request of the parent; and

(iv) a parent has access only to the education records of the parent's student in accordance with Subsection (9)(d).

(c) The rules made under this Subsection (9) shall allow a parent to submit or remove information submitted by the parent under this Subsection (9) at least annually, including at the time of:

(i) registering a student in a school; or

(ii) changing the school in which a student attends.

(d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec. 1232g, and related regulations, the state board shall provide a parent access to an education record concerning the parent's student.

(e) The state board shall create in the information management system a record tracking interoperability of education records described in this Subsection (9) when a student is transitioning between schools or between LEAs.

Section 2. Section **53G-6-805** is amended to read:

53G-6-805. Parental right to school comparison.

(1) Parents have the right to compare public school performance in a given area.

(2) The state board shall provide an online tool that allows parents to:

(a) search for public schools within a given radius of a specific location or within the boundaries of a public school district; and

(b) view a side-by-side comparison of data related to the public schools in the area

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described in Subsection (2)(a), including the indicators required in Subsection 53E-5-211(1).

(3) The state board shall include the ~~online tool created~~ information provided under this section in the parent portal required under Section 53G-6-806.

Section 3. Section **53G-6-806** is enacted to read:

53G-6-806. Parent portal.

(1) As used in this section:

(a) "Parent portal" means the ~~online tool~~ posting the state board is required to ~~create~~ provide under this section.

(b) "School" means a public elementary or secondary school, including a charter school.

(2) (a) The state board shall ~~create an online tool~~ post information that allows a parent of a student enrolled in a school to:

(i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;

(ii) be informed of resources and steps to follow when a student has been the subject, perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct such as:

(A) resources for the student, including short-term mental health services;

(B) options for the student to make changes to the student's educational environment;

(C) options for alternative school enrollment;

(D) options for differentiated start or stop times;

(E) options for differentiated exit and entrance locations; and

(F) the designated employee for an LEA who addresses incidents of bullying, cyber-bullying, hazing, retaliation, and abusive conduct;

(iii) be informed of the steps and resources for filing a grievance with a school or LEA regarding bullying, cyber-bullying, hazing, or retaliation;

(iv) be informed of the steps and resources for seeking accommodations under the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;

(v) be informed of the steps and resources for seeking accommodations under state or federal law regarding religious accommodations;

(vi) be informed of the steps and resources for filing a grievance for an alleged violation of state or federal law, including:

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(A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;

(B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;

(C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and

(D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.

12131-12165;

(vii) receive information about constitutional rights and freedoms afforded to families in public education; ~~and~~

(viii) be informed of how to access an internal audit hotline if established by the state board~~;~~ and

(ix) be informed of services for military families.

(b) In addition to the information required under Subsection (2)(a), the state board:

(i) shall include in the parent portal the comparison tool created under Section 53G-6-805; and

(ii) may include in the parent portal other information that the state board determines is helpful to parents.

(3) (a) The state board shall ~~locate~~ post the parent portal at a ~~website~~ location that is easily located ~~from the home page of the state board's website~~ by a parent.

(b) The state board shall update the parent portal at least annually.

(4) An LEA shall annually notify each of the following of how to access the parent portal:

(a) a parent of a student; and

(b) a teacher, principal, or other professional staff within the LEA.

Section 4. Section 53G-6-807 is enacted to read:

53G-6-807. Parent engagement specialist.

(1) (a) The state superintendent shall appoint an individual as a parent engagement specialist after:

(i) posting the position publicly; and

(ii) reviewing and consulting with the state board leadership about the appointment.

(b) The individual appointed under this section shall preferably have experience:

(i) working to constructively engage parents in guiding the parents' student's education;

(ii) understanding research on education outcomes; and

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(iii) understanding laws pertaining to parental rights in education.

(2) The parent engagement specialist shall respond to parent communications directed to the state board by:

(a) maintaining and revising on behalf of the state board the parent portal required by Section 53G-6-806;

(b) responding to questions and complaints to the state board regarding parent rights and opportunities within the state's education system; and

(c) helping parents to navigate available complaint processes provided through the state board, at the LEA level, or at the public school level.

(3) The parent engagement specialist shall provide guidance and outreach to LEAs and public schools across the state by:

(a) providing training and materials to LEAs and public schools regarding successful parent engagement strategies; and

(b) sharing research on parent engagement practices shown to contribute to student attendance and success.

(4) In performing the parent engagement specialist's activities, the parent engagement specialist shall comply with Section 53E-2-201.